

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
August 26, 2014**

CALL TO ORDER

Chair Solomonson called the August 26, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Solomonson, Commissioners, Ferrington, McCool, Peterson, Proud, and Schumer.

Commissioner Proud was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the amended August 26, 2014 Planning Commission meeting agenda.

VOTE: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Schumer, seconded by Commissioner Peterson to approve the July 22, 2014 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 4 Nays - 0 Abstain - 2 (Ferrington, Thompson)

Commissioners Ferrington and Thompson abstained, as they were not present at the July 22nd meeting.

REPORT ON CITY COUNCIL ACTIONS:

City Planner Kathleen Castle reported that the City Council approved the following applications in August:

- Union Gospel Mission
- Wireless facility for AT&T

NEW BUSINESS

PUBLIC HEARING - CONDITIONAL USE PERMIT

FILE NO: 2537-14-27

APPLICANT: ROBERT G. HINZE
LOCATION: 4801 KENT DRIVE

Presentation by City Planner Kathleen Castle

The application is for a Conditional Use Permit for a detached accessory structure. The property is zoned R1, Detached Residential District with a lot area of 12,196 square feet and developed with a single-family home of approximately 1,120 square feet. There is an attached garage of 576 square feet. The request is to build a detached storage shed on the property of 280 square feet. A Conditional Use Permit is needed, as the property is less than one acre and the proposed shed exceeds 150 square feet.

The proposal does comply with City standards regarding the size of detached structure, total square footage allowed and the ratio of accessory structure square footage to the principal dwelling. Setbacks and height are in compliance. The design complies with the character of the neighborhood. There are trees along the rear property line and along Tanglewood

Notice of the public hearing was published in the newspaper and notices were sent to property owners within 350 feet. Two comments supporting the project were received.

Staff finds the proposal in accordance with the City's Comprehensive Plan policies. It is consistent with Development Code standards, and staff's recommendation is for the Planning Commission to forward the proposal to the City Council for approval.

Commissioner McCool asked for clarification on additional recommended screening. Economic Development and Planning Technician Nikki Hill responded that additional screening has not been discussed with the applicant. However, the applicant has been very cooperative and no problem is foreseen with this recommendation.

City Attorney Kelly stated that proper notice was given and published for the public hearing.

Chair Solomonson opened the public hearing. No one present offered to give testimony.

MOTION: by Commissioner Schumer, seconded by Commissioner Peterson to close the public hearing.

VOTE: Ayes - 6 Nays - 0

Commissioner McCool noted that the garage and proposed shed abut the property to the north with minimal screening. He would like to see a requirement that modifies condition No. 3 that requires a landscaping plan approved by staff at the time a building permit is issued.

Commissioner Schumer asked how that process would work. Ms. Castle explained that a landscaping plan would be required at the time of application for a building permit. A landscaping escrow would be required. Upon completion, there would be an inspection and the landscaping escrow would not be released until the landscaping is approved.

Chair Solomonson asked what acceptable screening would entail. Ms. Castle stated that the shed does not have to be blocked. What is needed is landscaping to soften the appearance and minimize the impact of the structure on adjoining properties.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to recommend the City Council approve the Conditional Use Permit application submitted by Robert Hinze, 4801 Kent Drive, to construct a 280 sq. ft. detached accessory structure (shed) on his property. The Conditional Use Permit authorizes 280 square feet of total floor area for the detached accessory structure, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design of the shed shall be consistent with the plans submitted and complement the home on the property.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
5. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will be maintain the residential use and character of the property and is therefore in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for residential accessory are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

VOTE: Ayes - 6 Nays - 0

VARIANCE

FILE NO: **2542-14-32**
APPLICANT: **JESSE STRATTON**
LOCATION: **448 TANGLEWOOD DRIVE**

Presentation by City Planner Kathleen Castle

The application is to construct a fence taller than the 4 feet allowed in the front yard. Exceptions are for double fronted lots, where a 6-foot fence is permitted in the rear yard abutting an arterial

road. If a side yard is adjacent to a public road, a 6-foot fence is permitted with a minimum setback of 10 feet and with additional landscaping. Frontage for this subject property is on Hodgson Road, but access to the property is through a driveway easement at 456 Tangelwood Drive.

The property is zoned R1, Detached Residential with a lot area of 16,117 square feet. The lot width along Hodgson Road is 82.26 feet. It is developed with a single-family home with attached garage, driveway and sidewalk areas. Landscaping would be planted in front of the proposed fence, either transplanting mature lilacs or a landscaping plan that is submitted.

The applicant states that the fence height is reasonable and will provide sound, safety and privacy from the arterial roadway, Hodgson Road. There are unique circumstances with lot access and adjoining land uses. The character of the neighborhood will not be altered. There are nearby 6-foot tall privacy fences on Hodgson Road.

Staff finds that the fence is reasonable. The increased height is reasonable because of the arterial roadway, change of land uses and the lot characteristics. Unique circumstances exist with the lot orientation toward Hodgson Road. Development has changed on this block from large lot residential to high density and low density residential served by an internal local road. Other neighborhoods along Hodgson allow 6-foot fences due to lot orientation and traffic noise. The average daily trips on Hodgson counted in 2011 was 14,300. That number is expected to increase. The character of the neighborhood will not be impacted with the proposed fence height due to changes in land use and the development pattern.

Notices were sent to property owners within 150 feet. No comments were received. Staff is recommending approval with the conditions listed in the staff report.

Chair Solomonson clarified that the need for a variance is because the frontage on Hodgson is considered the front yard.

Commissioner Ferrington asked for clarification of the landscaping plan submitted at this meeting. Ms. Castle explained that the first choice is to transplant mature lilacs. Otherwise, arborvitae are proposed with a mulched ground cover. The alternate landscape plan adds shrubs with the arborvitae instead of the lilacs.

Chair Solomonson expressed concern about gate access along Hodgson when there is no property access. A gate access could mean future storage, but City Code would apply regarding front yard storage.

Mr. Jesse Stratton, 448 Tanglewood Drive, Applicant, stated that he is willing to answer any questions. The landscaping is planned to provide full screening within a few years.

Commissioner Ferrington asked if this new fence would be tied into other existing fences. **Mr. Stratton** stated that his fence would tie in at the southwest corner. All neighbors have fences.

Mr. Rick Tillman, 4772 Hodgson, stated that he does not understand the need for a 6-foot fence. His front yard cannot have a 6-foot fence. His neighbor has a 4-foot fence. Ms. Castle explained that Mr. Tillman did apply for a 6-foot fence in the front yard adjoining Hodgson Road and was informed that the height could not exceed 4-feet. His property does not have frontage on two roads because of the outlot between his property and the roadway serving the Whispering Pines subdivision (Majestic Court). **Mr. Tillman** stated that his objection is a 6-foot fence next to a 4-foot fence. The 6-foot fence will close off the neighbor who has a 4-foot fence. His main concern is the look of fences. He urged staff and commissioners to actually look at the area. Photos do not show what is going on.

Ms. Saya Stratton 448 Tanglewood, Applicant, stated that Mr. Tillman's property does not have a fence. The mature lilacs are 12 feet in height, but between them the property is open to the traffic. The reason for the 6-foot fence is for privacy and security. There is a 6-foot fence along the garage. The proposed fence would be adjoined to the neighbor's 4-foot fence. The gate is to access outside the fence and maintain landscaping. Landscaping will be coordinated through City staff.

Commissioner McCool asked if a 1-foot berm with a 4-foot fence has been considered. **Ms. Stratton** stated that they support the contractor's recommendation for a 6-foot fence.

Commissioner Ferrington reviewed the exact amount of fencing and location around the Stratton property.

Commissioner McCool asked if access off Hodgson Road would be an option if the property were redeveloped. Ms. Castle responded access was restricted to Tanglewood Drive when this lot was created. Ms. Castle explained that a County permit would be required, as Hodgson is a county road. She believes an access permit would be difficult to obtain due to the access management policies..

Commissioner Peterson stated that there are many existing fences in the area with the sound barrier wall to the north. Some are not screened well. He is pleased to see the planned screening. This plan is consistent with what is already in the neighborhood and should be supported.

Commissioner Ferrington agreed and stated that she can well understand the need for more privacy as Hodgson continues to become a busier road.

Chair Solomonson agreed and stated he supports staff's review and recommendation.

Commissioner McCool stated that he also supports the application. The circumstances are unique in that the lot functions as a corner lot. The other unique circumstance is the changing development of the area.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adopt the attached Resolution 14-62, including findings of fact, permitting the construction

of 6-foot tall privacy fence in the front yard of the property at 448 Tanglewood Drive, subject to the following conditions:

1. The approval permits a 6-tall privacy fence in the front yard of the property.
2. Said fence shall be setback a minimum of 10 feet from the front property line.
3. Vegetative screening shall be installed and maintained between the fence and the front property line. A landscape plan shall be submitted to the City Planner for review and approval prior to the issuance of a building permit.
4. The fence shall be maintained in accordance with the standards of the Development Code.
5. The applicant shall obtain a building permit for the structure.

Said approval is based on the following findings of fact:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicants' proposal to construct a fence is reasonable, especially along an arterial roadway.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Unique circumstances are present due to changes in the development pattern, land uses and increased traffic along Hodgson Road. The applicant's property is one of two single-family residential properties that have a front yard onto Hodgson Road on this block. Land use along the corridor have transitioned and include high density residential uses. Further transition of land uses is expected on the west side of Hodgson Road. Traffic has increased and is anticipated to increase in the future.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of neighborhood. The variance will not alter the character of the neighborhood because of the changes in the development pattern, adjoining land uses and proposed screening. Since this property is only one of two residential lots whose front lot lines abut Hodgson Road on this block, the character of the neighborhood will not be altered

Discussion:

Chair Solomonson asked if the new landscaping plan is an update. Ms. Castle stated that the new landscaping plan was submitted earlier in the day and replaces the first one.

VOTE: Ayes - 6 Nays - 0

VARIANCE

FILE NO: **2539-14-29**
APPLICANT: **BRADY & JAMIE MARTIN**
LOCATION: **948 ROBINHOOD PLACE**

Presentation by Senior Planner Rob Warwick

This application is a requested variance to increase the amount of accessory structure floor area permitted from 288 square feet to 576 square feet in order to construct a 24 x 24 foot detached

garage in the rear yard of their standard corner lot. The garage would be used to store a boat and a vehicle.

The property consists of 16,900 square feet with a lot width of 108 feet on Robinhood Place. The east side abuts Nottingham Place. It is developed with a two-story house with a basement tuck-under two-car garage of 528 square feet. The garage entry is on the south or rear of the house. The driveway access is on Nottingham Place. A detached shed is located in the rear yard. It is a legal non-conforming structure that is in poor condition and will be removed. The proposed garage has a 10-foot setback from the rear lot line and 37 feet from Nottingham Place. This complies with City requirements.

A detached accessory structure is allowed with a maximum floor area of 288 square feet. A variance is requested for the proposed 576 square foot garage. Total floor area of all accessory structures must be less than 1200 square feet or 90% of the foundation area of the dwelling. The total floor area of the attached and proposed detached 576 square foot garage is 1104 square feet or 81.8% of the house foundation.

The applicant states that the second-story addition was built in 2008. A garage expansion was explored at that time but was not possible due to setback and architectural constraints. The topography, location and design of the house create practical difficulty.

Staff agrees that expanding the attached garage would be difficult because it is in the basement. However, this type of garage is not unique but is common in parts of the City that were developed in the 1950s and 1960s. As there is a large shed in the rear yard and the fact that both adjacent properties have detached garages, staff does not believe this proposal will alter the character of the neighborhood.

Staff does not believe practical difficulty exists. The existing non-conforming shed could be rebuilt in the same location and at the same size. Staff believes the applicants should consider reducing the size of the proposed garage closer to the 368 square feet of the existing shed. Another alternative would be to convert part of the attached garage to living area and reduce the garage portion to a one-car size. Then a detached garage of up to 750 feet would be allowed.

Notices were mailed to property owners within 150 feet. One comment of support was received. Staff cannot make affirmative findings for all three variance criteria and, therefore, does not recommend approval.

Chair Solomonson asked what the City would require to convert part of the existing garage to living space. Mr. Warwick answered that one garage door would have to be removed, an exterior wall built, as well an interior wall to separate the garage from the new living space.

Commissioner Thompson asked for further clarification on the discussion with the applicant regarding staff's recommendations. Mr. Warwick stated that the applicant prefers not to alter the existing house. Conversion to living space would require a foundation and roof in addition to new walls. It would be architecturally and structurally challenging.

Commissioner Ferrington stated that she does not believe it makes sense to convert part of the garage to living space. The gain would only be 11 feet, and it would be architecturally difficult. A conversion to living space to put a larger garage in the rear yard is counter to what the Commission is trying to do with accessory structures in yards. Mr. Warwick explained that this is a difficult application. Staff was unable to find that the tuck-under style garage and topography create uniqueness and so warrant a larger detached accessory structure than permitted by code. The existing legal 368 square foot non-conforming accessory structure could be rebuilt and would be larger than the 288 square feet that Code allows.

Chair Solomonson stated that his dilemma is that if a portion of the attached garage were converted to living space, the larger detached garage could be built without a variance. However, he did observe that the property size supports a two-car garage in the rear.

Mr. Brady Martin, 948 Robinhood Place, Applicant, stated that the house was built in the 1950s by his grandfather. He grew up in the house. It is important to them to keep the character of the house. It is difficult to understand there are no unique circumstances. He has driven around the City and not been able to find a configuration of a house with driveway to the rear. The existing shed was a hunting shack. It is infested, there is no flooring and walls are collapsing. It is not salvageable. It would require a variance to move that structure, or the driveway would have to be extended to its current location. They do not want a giant 3-car garage in the back yard with conversion of part of the tuck-under to living space. Such enclosure would not severely alter the character of the house. There would only be 11 feet to adding a third stall to the existing garage. That would another roof line and involve removing two trees and landscaping. **Mr. Martin** stated that his work requires that he have a take-home vehicle. They would rather reduce the size of the requested garage than convert existing garage space to living space.

Chair Solomonson noted that to convert the existing attached double garage to a single garage would be very tight. Car doors would hit the walls of a single garage.

Mr. Denny Campbell, 4910 Nottingham Place, stated that his garage is 24 x 24. It is a nice size but is not huge. Any smaller makes it only functional to put a car in. He has no problem with Mr. Martin's application. Other immediate neighbors have detached double garages.

Commissioner Thompson stated that she believes the request is reasonable. She has more trouble with converting to living space and then being able to build a much larger than requested garage than the request that has been submitted.

Chair Solomonson stated that if one stall of the existing double garage were converted to living space, it does hamper the function of the remaining garage stall, which is a hardship. The property is unique. The practical difficulty is the configuration of the existing house.

Commissioner Peterson stated that the house has been remodeled very attractively. It is unique in location, and he sees that there is practical difficulty. This proposed garage is finishing the remodeling.

Commissioner Ferrington noted that the proposal complies with height, pitch of the roof, setback from the road, and impervious surface will not be increased. A non-conforming structure that is falling down will be removed. She does not believe altering the architecture of the home is reasonable. She supports this proposal.

Commissioner McCool expressed his support also. The tuck-under garage is unique. The proposal is less than what is allowed by Code.

Commissioner Schumer stated that this is a good plan, but appropriate findings have to be stated.

MOTION: by Commissioner Ferrington, seconded by Commissioner Thompson to adopt Resolution 14-64 approving a variance to increase the maximum floor area for a 576 square foot detached accessory structure for Brady and Jamie Martin on their property at 948 Robinhood Place, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. The existing shed shall be removed prior to issuance of a building for the proposed garage.
5. Use of the accessory structure shall be for personal use only and no commercial use or commercial related storage is permitted.

Said approval is based on the following findings of fact:

1. *The proposal is in harmony with the policies of the Comprehensive Plan and complies with the spirit and intent of the Development Code.*
2. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*

On this property, an attached garage up to 1,000 square feet and a detached accessory structure of up to 150 square feet are permitted with a building permit. A detached accessory structure 150 square feet to 288 square feet in size is permitted with a Conditional Use Permit. The existing attached garage has a floor area of 528 square feet, but expanding the attached garage is not feasible. The foundation area of the house is 1350 square feet. City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation. The proposed detached garage has an area of 576 square feet, and the proposed 1,104 square feet of total accessory floor area is about 82% of the living area foundation. The two-story house will remain the primary feature of the property. An existing non-conforming detached accessory structure will be removed with this project.

3. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

Practical difficulty stems from the topography, location and design of the existing house and attached garage. Expansion of the existing basement garage is limited due to these factors, and leaves the applicants without garage areas for needed storage. The circumstances with the corner lot, a tuck under attached garage not visible from the front lot line, access to the garage at the rear of the house with a driveway to the side yard is unique. The house was recently renovated in a manner that preserved the original design features, and enlarging the attached garage is not possible without altering that design integrity.

4. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

The proposed garage will be sided with hardi-board that matches that used on the exterior of the house. Detached garages are found in the neighborhood, including on the two adjacent properties, and this property has had a large shed located in the rear yard since the 1960s. Given these conditions, constructing a 24- by 24-foot garage in the rear yard will not alter the character of the existing neighborhood.

Discussion:

Commissioner Schumer stated that he thought staff was looking for additional findings, but if what is presented is sufficient, he can support the motion as presented.

Commissioner Thompson stated that based on the discussion and the prepared findings by staff, she believes the findings are sufficient.

Commissioner McCool stated that it should be noted that a non-conforming structure is being removed. The need for additional storage is not compelling and he would add language about the tuck-under design, the recent remodeling, a corner lot that constrains garage expansion to describe unique circumstances.

Commissioners Ferrington and Thompson accepted Commissioner McCool's statement as a friendly amendment to No. 2 of Findings.

VOTE: Ayes - 6 Nays - 0

Chair Solomonson called a 10-minute break and then reconvened the meeting.

VARIANCE/RESIDENTIAL DESIGN REVIEW

FILE NO: 2540-14-30
APPLICANT: DOUGLAS & RENELLE MAHONEY / TRACY CRANE
LOCATION: 5466 LAKE AVE

Presentation by Senior Planner Rob Warwick

The proposal is to add a full second story addition above the attached garage. A 2-foot cantilever on the street side would increase the foundation area. The addition setback would be 42.6 feet from the front lot line, which is less than the minimum 55.55 foot setback based on the location of the dwellings on the adjacent lots. Therefore, a variance is required. The property is a substandard riparian lot on Turtle Lake consisting of 9,600 square feet with a lot width of 68 feet at the front and tapering to 38 feet at the Ordinary High Water (OHW).

The property has a two-bedroom house with 2,150 square feet of foundation area. The house is built on a slab with no basement. There is a three-car attached garage with living area above. The house is a non-conforming structure because it is located at less than the minimum front setback.

The proposed addition consists of three bedrooms, a bath and loft/play area. A 2-foot cantilever on the front is needed to increase usable space for bedrooms and the play area, which reduces the front setback to 42.6 feet. The current setback is 44.6 feet, which also does not meet the required 55.55 feet. The peak height of the home will increase to 30.75 feet. There is no increase to impervious surface, but the cantilever increases the foundation area by 64.4 square feet from the existing 2151 square feet, and this also requires a variance. The foundation area allowed is 18% of the existing lot area; existing is 22.4%; what is proposed with the cantilever is 23.1%.

The applicant states that practical difficulty exists because of the location of the dwelling on the lot to the east, which is approximately 88 feet from the front lot line. Other houses on Lake Avenue are set back less than 45 feet. The proposed addition uses existing foundation space; the cantilever increases livability of the addition.

Staff finds that the addition is reasonable because there are only two bedrooms in the main house. The design and layout of the existing house create practical difficulty. The cantilever replaces the eyebrow architectural feature without increasing impervious surface. Other houses in the area are closer to the street and taller so this proposal will not alter the character of the neighborhood. An addition to this house is not possible without a variance.

Two practices of shoreland mitigation are required. The applicants have chosen architectural mass using a brown siding to match the existing home. Also, two rain gardens will be fed from gutters and downspouts.

Notice of the application was mailed to property owners within 150 feet of the subject property. No comments were received. Staff is recommending approval of the variances. If the variances are approved, the Residential Design Review can be approved.

Commissioner Ferrington asked if moving the bathroom wall is interior to the house. Mr. Warwick explained that it keeps the living area from encroaching into the 10-foot setback. Commissioner Ferrington noted that the setback on the east side is 9.7 feet and not the required 10 feet. Mr. Warwick clarified that the 9.7 foot setback is to the existing house, not the addition.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adopt Resolution 14-63 approving variances to reduce the front setback to 42.6 feet, and to increase the foundation area by 64.4 square feet to 2,215.4 square feet, in order to allow expansion of the non-conforming dwelling and to approve the Residential Design Review application submitted by Tracy Crane for the property at 5466 Lake Avenue, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The front setback will be a minimum of 42.6 feet for the proposed addition measured to the cantilever on the front of the house.
3. The applicant shall execute a mitigation affidavit prior to issuance of a building permit for the project.
4. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
5. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

Said approval is based on the following findings of fact:

1. *The proposal is in harmony with the policies of the Comprehensive Plan and complies with the spirit and intent of the Development Code.*
2. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*

The existing house is designed with just two bedrooms, both on the second floor. Adding bedrooms to better accommodate family living is a reasonable use of the property, and is not possible without a variance for this non-conforming dwelling.

3. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

Practical difficulty for the front setback variance stems from the 88-foot front setback of the dwelling located on the adjacent property. This setback is greater than other dwellings on the riparian lots along Lake Ave. and increases the front setback for the subject property.

Practical difficulty for the foundation area variance is due to the design of the existing house, which exceeds the permitted 18% foundation area, yet has only two bedrooms. Increasing the living area as proposed has a minimal impact on the foundation area while allowing conversion of the dwelling to accommodate a young family. The intent of the foundation area limitation is to address the developed area on substandard lots. Here, the cantilever replaces the existing eyebrow with an added extension of only 0.5 feet and no impact on impervious surface coverage, yet allowing space for three added bedrooms.

4. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

The proposed second story addition will result in a design similar to several other dwellings that exist along this street. Other houses are nearer the street and taller than the proposed addition. Given these conditions, staff believes that constructing a second story addition above the existing garage will not alter the character of the existing neighborhood.

5. *The proposal complies with the adopted standards for a substandard riparian lot, with approval of the variances requests.*

Discussion:

Chair Solomonson stated that this is a very straight forward decision. The proposal is a creative design that does not increase the footprint of the house or impervious surface.

VOTE: **Ayes - 6** **Nays - 0**

VARIANCE / RESIDENTIAL DESIGN REVIEW

FILE NO: **2541-14-31**
APPLICANT: **LANCE & SHELLY REDLINGER**
LOCATION: **1000 COUNTY ROAD I**

Presentation by City Planner Kathleen Castle

This application is for a variance to build a detached accessory structure to exceed the maximum area permitted from 288 square feet to 744 square feet. The request is also to exceed the combined area permitted for all accessory structures from 1,000 square feet to 1,268 square feet. The property is a substandard riparian lot on the north shore of Turtle Lake with frontage on County Road I. The lot width is 66.95 feet with lot area of 27,442 square feet or 0.62 acres. The property has a two-story home that is 1, 839 square feet with a walkout basement on the lake side and an attached garage of 524 square feet.

The proposed detached garage of 744 square feet has a height of 17.6 feet. An interior storage ceiling of 5 feet will have access with a pull-down attic staircase. After discussing the proposal with staff, some modifications were made with a reduction in height thereby decreasing the height of the storage area. This plan also increase the side yard setback from 4.1 feet to 10 feet. Driveway improvements will be needed for access.

The applicants state that practical difficulty is present because the existing garage of 524 square feet is well below the 1000 square feet allowed. The attached garage is only 21.9% of the foundation size of the home, and up to 80% can be allowed. Expanding the existing garage is not a viable option. One reason is that the side yard setback of the garage on the west is 7.9 feet, and expansion of the garage on the east would cut off access to the front door of the house.

Staff finds that the proposal does comply with building standards for lot coverage, building height, foundation area, setbacks and architectural mass. There is practical difficulty present.

The accessory floor area requested is approximately 69% of the dwelling floor area, which means the dwelling will remain the principal structure on the property. Riparian lots have greater storage needs. This lot is significantly larger at 27,442 square feet than the minimum lot size of 15,000 square feet required for shoreland parcels. The narrow lot width of 66 feet makes it difficult to expand the existing garage. Unique circumstances are the narrow width, large square footage of the parcel and being a riparian lot.

The size of the proposed garage is comparable to other detached accessory structures in the neighborhood. The average size of detached accessory structures is 757 square feet. Six properties were found to have attached garages averaging 615 square feet in addition to the detached garage. The average total square footage for all accessory structures, attached and unattached, is 3,336. The most square footage on a parcel is 1,524 square feet; the least is 672 square feet. Shoreland mitigation practices selected are architectural mass and vegetative buffer.

Notices were sent to property owners within 150 feet of the applicant's property. One written comment of support was received. Staff finds that the project complies with the Residential Design Review standards and recommends approval subject to the conditions and findings.

Commissioner Ferrington asked if it was discussed with the applicants to reduce the size of the requested garage by 68 feet in order to need only the one variance for the structure size and not a second variance to exceed the total combined accessory structure square footage. Ms. Castle stated that based on staff recommendations, the applicants did make modifications. Their thinking is that it would be possible to add a 1000 square foot garage if it could be added onto the house plus a detached structure of 288 square feet. Commissioner Ferrington asked the reason for the garage length of 31 feet.

Mr. Redlinger, Applicant, responded that with a truck, boat and trailer, he is trying to plan enough space to be able to take equipment in and out without having to move the truck, boat or trailer. He plans a utility door on the back side, away from County Road I, to be able to take lawn and other equipment in and out.

Commissioner McCool stated that this is a reasonable request, and would fit in the neighborhood. His concern is seeing the uniqueness of the property with this size structure.

Commissioner Peterson stated that he is having difficulty supporting this application because it is much larger than the other requests seen at this meeting. It is not uncommon to have a long narrow lot on Turtle Lake.

Commissioner Schumer stated that he has no problem. The proposed garage will fit in the neighborhood. That size structure is needed for boats and trailers. The applicant has already reduced the size to respond to staff recommendations.

Commissioner Thompson stated that she would support the application.

Chair Solomonson stated that he would like to have a workshop discussion on accessory structures. At one time a tiered system was discussed. He believes this property is unique because of its long, narrow configuration and he would support the application.

Commissioner Ferrington stated that she also is concerned about the size, but the large size of the property and the fact that the applicant has responded to staff's input allows her to support the project.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adopt the attached Resolution 14-65, including findings of fact, permitting the construction of 744 square foot detached accessory structure for Lance and Shelly Redlinger on their property at 1000 County Rd I. Said approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the addition.
5. The exterior design and construction of the structure must comply with Section 205.082 (5e), Exterior Design and Construction.
6. Use of the accessory structure shall be for personal use only and no commercial use or commercial related storage is permitted.

Said approval is based on the following findings of fact:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*

A variance is needed to allow the proposed structure to exceed the maximum area permitted. On this property, a detached accessory structure of up to 150 square feet is permitted with a building permit. A detached accessory structure 150 square feet to 288 square feet in size is permitted with a conditional use permit. The City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation on lots less than one-acre. The attached garage has a floor area of 524 square feet and the proposed detached garage has an area of 744 square feet. The foundation area of the house is 1,839 square feet. The proposed 1,268 square feet of total accessory floor area is about 69% of the living area foundation, therefore, the home will remain the primary feature of the property.

In Staff's opinion, the variance request to build the garage in the proposed location represents a reasonable use of the property. City Code permits detached garages as an

accessory use. By establishing these provisions, the City deems that a detached garage represents a reasonable use of the property provided Code standards are met. Garages are needed for vehicle parking and storage of normal household equipment and supplies. Additionally, lake lots have the potential to create greater storage needs.

Furthermore, the 27,442.8 square foot property is significantly larger than the 15,000 square foot required lot size for a single family residential riparian property in the City and greater than the minimum lot area of 10,000 square feet required for properties in the R1 zoning district.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

Practical difficulty stems from the uniqueness of the parcel. It is a substandard riparian lake parcel with an average width of 66 ft, which is significantly less than the 100 feet required. The small width of the parcel leaves the sideyard setback of the existing garage at 7.9 feet, leaving only 2.9 feet for any allowable expansion of the current detached garage. The combination of a riparian parcel, narrow width of the parcel, and larger square footage of the parcel are unique circumstances to this lot.

3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

Staff believes that the variance will not alter the essential character of the existing neighborhood as the adjacent properties are riparian and as such there are other detached garages and accessory structures located in the front of the lot. The size of the structure is comparable to other detached accessory structures on adjacent properties.

Ten adjacent riparian properties along County Road I were reviewed for their accessory structure size and square footages to see if the request is compatible with the surrounding neighborhood. Out of the ten properties staff looked at, the average size for a detached accessory structure was 757 square feet. Six of the properties had attached garages in addition to a detached garage; the average square footage for the attached garage was 615 square feet. The average total square footage for all accessory structures, attached and detached, is 1,126, with the high being 1,524 square feet and the low 672 square feet.

The existence of similar structures along County Rd I in relatively the same location further mitigates the potential impacts of the structure. The orientation of the garage would give the appearance of a standard two car garage when viewed from County Road I. The proposed garage would match the architectural style of the current home.

Discussion:

Commissioner McCool stated that he does not believe the Commission is acting consistently, and he will not support it. This applicant simply wants more storage space. If the proposal was closer to a standard size structure, he could support it.

Commissioner Schumer countered that it would be difficult to find an applicant who is not looking for more storage space.

Commissioner Peterson agreed that a workshop discussion is needed to develop a consistent approach. Better standards are needed. He would not support the application.

City Attorney Kelly stated that each application is unique in itself. The Commission is charged with determining practical difficulty, unique circumstances, reasonable use and the character of the neighborhood. A workshop would be to discuss parameters. Does it meet the spirit and intent based on the uniqueness of the property, reasonable manner and character of the neighborhood. The Commission has been consistent in applying these criteria.

VOTE: Ayes - 4 Nays - 2 (McCool, Peterson)

PUBLIC HEARING
PLANNED UNIT DEVELOPMENT – DEVELOPMENT STAGE COMPREHENSIVE
SIGN PLAN

FILE NO: 2538-14-28
APPLICANT: KIMLEY HORN ENGINEERING/RAISING CANE’S
 RESTAURANT
LOCATION: 26-30-23-32-0014 (LOT 2, BLOCK 1, SHOREVIEW TARGET 2ND
 ADDITION) LEXINGTON

Presentation by City Planner Kathleen Castle

The applicant requests an amendment to the PUD and approval of a Comprehensive Sign Plan to develop Lot 2 of the Shoreview Target 2nd Addition with a restaurant with a drive-through facility. The restaurant is Raising Cane’s. The property was re-platted last year for future commercial development. The lot consists of 1.14 acres. The lot fronts on the south public access driveway but also has frontage on Lexington Avenue. It is a corner lot. It is developed with a private drive and parking lot. Target has a sign easement on the property.

When the property was re-platted, the PUD was amended to address parking, signage, impervious surface and Target operations. Deliveries are prohibited between 12:00 a.m. and 5:00 a.m. At Target’s request, a condition restricting hours was lifted and the store is permitted to be open 24-hours.

The proposed restaurant seeks hours of operation from Sunday to Thursday, 10:00 a.m. to 12:00 a.m. and Friday and Saturday from 10:00 a.m. to 2:00 a.m. The maximum number of employees anticipated is seven. Truck deliveries will be made three times per week by small trucks. The same limit restricting semi-truck deliveries between 12:00 a.m and 5:00 a.m. applies.

Flexibility is requested regarding the setbacks for the trash enclosure. The required setback is 50 feet; the application is for 44.5 feet. Also a 20-foot setback is required at the rear lot line; the applicant proposes 4.5 feet. The restaurant building complies with all setback requirements. The historic drainage pattern will be maintained and storm water directed to Outlot A and the storm water pond through existing infrastructure. Lot coverage will decrease from 69.35% to 61.4%.

The parking areas has two access points. The 28 parking stalls proposed exceeds the 16 required. The proposed drive-through lane accommodates 10 stacking car spaces; 6 are required. Landscaping is planned to include a combination of ornamental trees, shrubs and other plantings. Some of the existing vegetation will be retained. The applicant is working with staff regarding additional landscaping.

The Comprehensive Sign Plan shows a free standing sign. The PUD encourages a shared sign with Target, but Target has indicated that the existing sign is not designed for an additional panel and would prefer separate signage for Raising Cane's. The proposed free-standing monument sign is reasonable and complies with City requirements.

One wall sign is allowed. The applicant seeks a deviation of three wall signs to identify Raising Cane's, one on the south, one on the east and one on the west. The south wall sign is 7 feet; 6.9 feet is permitted. Staff does not believe this is a significant deviation. Another deviation requested to have a hand-painted mural sign on the west wall of 139.5 square feet.

Staff believes the signs are well done and add interest to the facility. Staff supports the sign plan.

Notices were sent to property owners within 350 feet, and notice was published in the legal newspaper. Land Johanna Fire Department has reviewed the plan. The Rice Creek Watershed requires a permit. The only comment received is from the City of Arden Hills expressing concerns about the visual impact of a mural on Lexington Avenue.

Staff believes the proposal is consistent with the PUD. The proposed deviations for site design and signage will not detract from the site. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Ferrington asked if the lighting would be turned off on the mural sign when the restaurant is not in operation. Ms. Castle would ask the applicant to respond.

Commissioner Peterson noted EQC comments regarding the trash enclosure. He asked if it is of adequate size. Ms. Castle stated that those comments have been forwarded to the applicant. There is no response yet.

Commissioner Peterson asked if a condition could be added as a reasonable practice for landscaping to require inverted islands for additional watering of grass and trees other than just a sprinkler system. Ms. Castle stated that the applicant could be encouraged to explore inverted islands, but should not be required to build them, as the soil conditions may not be suitable.

Chair Solomonson asked if the mural content could be changed in the future and could it be illuminated? Ms. Castle stated that a sign permit is required from the City for the mural; an amendment to the PUD would be required for illumination.

Chair Solomonson asked if there are concerns with having the trash enclosure close to the holding pond. Ms. Castle responded that the City Engineer expressed no concerns.

City Attorney Kelly stated that proper notice has been published for the public hearing.

Chair Solomonson opened the public hearing.

The applicant stated that everything will be done first class. This will be the first free-standing Raising Cane's restaurant in this area. This is the 200th restaurant. The menu is the best chicken fingers. A lot of money is put in landscaping. Raising Cane's supports business development and entrepreneurship as well as participating in fundraisers in over 3100 school districts. Over \$5 million was given to charities last year. Raising Cane's will quickly become part of the community. The murals are hand painted and maintained. "Shoreview" will be on the mural because Raising Cane's will identify with this community.

The site drains to the middle of the site, which will have to be raised several feet. Extensive grading will be required for positive drainage away from the restaurant. Trees will be lost, but Cane's is ready to work with staff on desired landscaping. He would like to pile snow along the back fence so it would melt and run into the pond that is there. A report on the environment impact suggests expansion of the recycling service yard. He would support that. Bike racks will be added. The mural would not be lit during closed hours.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to close the public hearing.

VOTE: Ayes - 6 Nays - 0

Commissioner Peterson offered two additional conditions to address the comments received from the EQC: 1) Shall work with City staff to insure that the trash enclosure is of sufficient size to conform with state laws; and 2) the applicant consider inverted parking lot islands to capture and store rainwater and excess storm water.

Commissioner Ferrington clarified that the deviations being requested are the number of wall signs and a mural sign on Lexington. She noted negative comments from Arden Hills and asked staff to respond. Ms. Castle stated that murals are not allowed in Shoreview or Arden Hills. There is question of equity for businesses in Arden Hills on Lexington who may want a mural. There is also concern about the impact to the larger Lexington Avenue corridor. Staff does not believe what is proposed is overwhelming, or out of scale or out of proportion from what is currently along the corridor.

Commissioner Schumer stated that Shoreview has no idea what will go in the development that is occurring in the same area on Lexington in Arden Hills. Raising Cane's is a national company, and this is their logo sign.

Ms. Castle noted that the City Attorney suggested the motion be split so there would be one motion for the PUD and one motion for the Comprehensive Sign Plan.

MOTION: by Commissioner Peterson, seconded by Commissioner Schumer to approve the amendment to the Planned Unit Development – Development Stage application submitted by Kimley-Horn, on behalf of Raising Cane's, for the property known as Lot 2, Shoreview Target Second Addition, Lexington Avenue. Said approval is subject to the following and with the addition of the following: 1) Shall work with City staff to insure that the trash enclosure is of sufficient size to conform with state laws; and 2) the applicant consider inverted parking lot islands to capture and store rainwater and excess storm water.

Planned Unit Development – Development Stage Amendment

1. This approval permits the development of this parcel with a restaurant facility approximately 2,890 square feet in size.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
4. The items identified in the email from the Assistant City Engineer must be addressed prior to the issuance of a building permit.
5. The items identified in the memo from the Fire Marshal shall be addressed prior to the issuance of a building permit.
6. The exterior of the trash enclosure shall be of a masonry material that compliments the restaurant building. Landscape screening shall be provided along the north, south and east sides of the structure.
7. Prior to submittal of the Final PUD, the applicant shall work with the City regarding the proposed landscape plan to address the retention of existing trees/shrubs, shade trees and plant material sizes.
8. A permit shall be obtained from the Rice Creek Watershed District prior to the issuance of a building permit for this project.
9. Semi-truck trailer deliveries are prohibited between 12:00 am to 5:00 am. The applicant is encouraged to utilize small trucks for delivery.
10. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

VOTE: Ayes - 6 Nays - 0

MOTION: by Commissioner Peterson, seconded by Commissioner Ferrington to approve the Comprehensive Sign Plan submitted by Kimley-horn, on behalf of Raising

Cane's, for the property known as Lot 2, Shoreview Target Second Addition, Lexington Avenue. Said approval is subject to the following:

Comprehensive Sign Plan

1. The signs on the property shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
2. Signage shall be maintained in accordance with the City's Sign Code.
3. The applicant shall obtain a sign permit prior to the installation of the new signs on the property.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated commercial land use in the Comprehensive Plan.
2. The proposed use is consistent with the underlying C1, Retail Service zoning of the PUD.
3. The amended PUD provides a benefit to the community by providing additional commercial services.

Discussion:

Commissioner McCool offered an amendment that the references to PUD for the Comprehensive Sign Plan motion be changed to Comprehensive Sign Plan. Commissioner Schumer seconded the amendment.

VOTE ON THE AMENDMENT:

Ayes - 6

Nays - 0

VOTE ON COMPREHENSIVE SIGN PLAN MOTION AS AMENDED

Ayes - 6

Nays - 0

MOTION: By Commissioner Schumer, seconded by Commissioner McCool to reconsider the motion approving the PUD amendment.

VOTE:

Ayes - 6

Nays - 0

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to add to the approval of the PUD Amendment includes the three Findings of Fact on the motion sheet:

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated commercial land use in the Comprehensive Plan.

2. The proposed use is consistent with the underlying C1, Retail Service zoning of the PUD.
3. The amended PUD provides a benefit to the community by providing additional commercial services.

VOTE: Ayes - 6 Nays - 0

MISCELLANEOUS

City Council Meetings

Chair Solomonson and Commissioner Peterson will respectively attend the September 2nd and September 15th City Council meetings.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adjourn the meeting at 10:32 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Castle
City Planner